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**SUBSTITUTE HOUSE BILL 1763**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** House Committee on Financial Institutions & Insurance (originally sponsored by Representatives McIntire, Bush, Keiser and Ogden; by request of Insurance Commissioner)

Read first time 02/27/2001. Referred to Committee on .

1 AN ACT Relating to protecting the confidentiality of information  
2 relating to insurance; adding a new section to chapter 48.02 RCW; and  
3 adding a new section to chapter 42.17 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.02 RCW  
6 to read as follows:

7 (1) Documents, materials, or other information as described in  
8 subsection (5) of this section are confidential by law and privileged,  
9 are not subject to public disclosure under chapter 42.17 RCW and are  
10 not subject to subpoena directed to the commissioner or any person who  
11 received documents, materials, or other information while acting under  
12 the authority of the commissioner. The commissioner is authorized to  
13 use such documents, materials, or other information in the furtherance  
14 of any regulatory or legal action brought as a part of the  
15 commissioner's official duties. The confidentiality and privilege  
16 created by this section and section 2 of this act applies only to the  
17 commissioner, any person acting under the authority of the  
18 commissioner, the national association of insurance commissioners and  
19 its affiliates and subsidiaries, regulatory and law enforcement

1 officials of other states and nations, the federal government, and  
2 international authorities.

3 (2) Neither the commissioner nor any person who received documents,  
4 materials, or other information while acting under the authority of the  
5 commissioner is permitted or required to testify in any private civil  
6 action concerning any confidential and privileged documents, materials,  
7 or information subject to subsection (1) of this section.

8 (3) The commissioner:

9 (a) May share documents, materials, or other information, including  
10 the confidential and privileged documents, materials, or information  
11 subject to subsection (1) of this section, with (i) the national  
12 association of insurance commissioners and its affiliates and  
13 subsidiaries, and (ii) regulatory and law enforcement officials of  
14 other states and nations, the federal government, and international  
15 authorities, if the recipient agrees to maintain the confidentiality  
16 and privileged status of the document, material, or other information;

17 (b) May receive documents, materials, or information, including  
18 otherwise either confidential or privileged, or both, documents,  
19 materials, or information, from (i) the national association of  
20 insurance commissioners and its affiliates and subsidiaries, and (ii)  
21 regulatory and law enforcement officials of other states and nations,  
22 the federal government, and international authorities and shall  
23 maintain as confidential and privileged any document, material, or  
24 information received that is either confidential or privileged, or  
25 both, under the laws of the jurisdiction that is the source of the  
26 document, material, or information; and

27 (c) May enter into agreements governing the sharing and use of  
28 information consistent with this subsection.

29 (4) No waiver of an existing privilege or claim of confidentiality  
30 in the documents, materials, or information may occur as a result of  
31 disclosure to the commissioner under this section or as a result of  
32 sharing as authorized in subsection (3) of this section.

33 (5) Documents, materials, or information, which is either  
34 confidential or privileged, or both, which has been provided to the  
35 commissioner by (a) the national association of insurance commissioners  
36 and its affiliates and subsidiaries, (b) regulatory or law enforcement  
37 officials of other states and nations, the federal government, or  
38 international authorities, or (c) agencies of this state is  
39 confidential and privileged only if the documents, materials, or

1 information is protected from disclosure by the applicable laws of the  
2 jurisdiction that is the source of the document, material, or  
3 information.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.17 RCW  
5 to read as follows:

6 Documents, materials, or information obtained by the insurance  
7 commissioner under section 1 of this act are confidential and  
8 privileged and not subject to public disclosure under this chapter.

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